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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PRINCETON STRATEGIC INVESTMENT  
FUND, LLC; AND PRESIDIO GROWTH  
LLC  
(Tax Matters Partner),

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C-04-4310-JW

**STIPULATION TO ENLARGE TIME FOR  
BRIEFING IN RESPONSE TO  
RESPONDENT'S MOTION FOR  
SUMMARY JUDGMENT**

**[Civil Local Rule 6-2]**

Pursuant to Civil Local Rule 6-2, Petitioners Presidio Growth LLC and Princeton Strategic Investment Fund, LLC (“Petitioners”) and Respondent United States jointly request an enlargement of time to file briefing in response to Respondent’s recently-filed motion for summary judgment. In support of this request, the parties jointly state as follows:

1. On Friday, August 12, 2011, Respondent filed a motion for summary judgment in the above-titled case. Dkt. No. 34. Respondent’s motion involves issues of tax law, privity, and collateral estoppel, and a complicated case history that dates back more than six years.

2. Petitioners’ opposition is currently due on August 26, 2011, and Respondent’s reply is currently due on September 2, 2011. The hearing is set for October 24, 2011, at 9:00 a.m.

3. The parties request that Petitioners’ time to file their opposition be extended by two weeks, to September 9, 2011, and that Respondent’s time to file its reply be extended by one additional week, so that it is due September 23, 2011.

#### **Previous Time Modifications**

4. This Court previously granted a stipulated request to enlarge time to file an answer in this action on December 20, 2004. Dkt. No. 11. This Court granted an additional stipulated request to enlarge time to file an answer on January 25, 2005. Dkt. No. 15.

5. This Court granted Respondent’s motion to stay in this case and other related cases on November 7, 2005. Dkt. No. 99 in related case *Shasta Strategic Investment Fund, LLC and Presido Growth LLC, v. United States of America*, No. C-04-4309-JW (N.D. Cal. Nov. 7, 2005). This Court granted a subsequent motion to stay in this case and other related cases on October 2, 2006. Dkt. No. 103 in related case *Shasta Strategic Investment Fund, LLC and Presido Growth LLC, v. United States of America*, No. C-04-4309-JW (N.D. Cal. Oct. 2, 2006).

6. The cases were stayed for more than five years. This Court lifted the stay on June 9, 2011. Dkt. No. 32.

#### **The Requested Extensions Will Not Affect The Hearing Date Or The Case Schedule**

7. The hearing on the motion has been set for October 24, 2011. Dkt. No. 34. Thus, the requested extensions would have no effect on the date of the hearing, which is approximately

one month after the final reply brief would be submitted.

8. By this Court's order, the last date for hearing dispositive motions is March 12, 2012. Dkt. No. 33. The requested extensions thus would not affect the schedule of the case.

NOW and THEREFORE:

It is hereby stipulated by and between the parties, through their respective counsel, that the time in which Petitioners may file an opposition to Respondent's Motion for Summary Judgment is extended to September 9, 2011, and that the time in which Respondent may file a reply to the Petitioner's Opposition to Respondent's Motion for Summary Judgment is extended to September 23, 2011.

Dated: August 17, 2011

Respectfully submitted,

LATHAM & WATKINS LLP

By /s/  
Margaret A. Tough  
Attorneys for Petitioners

Melinda L. Haag  
United States Attorney

By /s/  
Adrian E. Borroughs  
Trial Attorney, Tax Division

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Dated: August 18, 2011

